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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,565	12/28/2000	Seyfullah H. Oguz	EMCR:070	6448
27927	7590	08/12/2004	EXAMINER	
RICHARD AUCHTERLONIE NOVAK DRUCE LLP 1615 L ST NW SUITE 850 WASHINGTON, DC 20036			WU, JINGGE	
			ART UNIT	PAPER NUMBER
			2623	9
DATE MAILED: 08/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/750,565	OGUZ ET AL.
Examiner	Art Unit	
Jingge Wu	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 April 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) 11-21 is/are allowed.
6) Claim(s) 1-3 is/are rejected.
7) Claim(s) 4-10 is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.7.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

Applicant's election without traverse of species III in paper No. 8 is acknowledged. Accordingly, Claims 1-21 are now presented for prosecution.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5889561 to Kwok et al.

As to claim 1, Kwok discloses A method of producing reduced-quality MPEG coded video from original-quality MPEG coded video, the original-quality MPEG coded video including a set of non-zero AC discrete cosine transform (DCT) coefficients for 8x8 blocks in frames of the original-quality MPEG coded video, the reduced-quality MPEG coded video also having frames of 8x8 blocks, each frame in the reduced-quality MPEG coded video having a corresponding frame in the original-quality MPEG coded video, and each 8x8 block in each frame of the reduced-quality MPEG coded video having a corresponding block in a corresponding frame in the original-quality MPEG coded video (abstract, fig.4), said method comprising the steps of:

selecting non-zero AC DCT coefficients from corresponding blocks in the original-quality MPEG coded video to be included in the blocks of the reduced-quality

MPEG coded video so that each 8x8 block in each frame of the reduced-quality MPEG coded video has a number of bits encoding non-zero AC DCT coefficients that is generally proportional to the number of bits encoding non-zero AC DCT coefficients for the corresponding 8x8 block in the corresponding frame of original-quality MPEG coded video (figs. 1-4, col. 4 lines 13-col. 5 line 5, note that the reduced quality MPEG is proportional the original quality of MPEG corresponding the scale factor).

As to claim 2, Kwok further discloses computing a number of bits available for encoding the non-zero AC DCT coefficients in said each of the 8x8 blocks in each frame of the reduced-quality MPEG coded video, the number of bits available for encoding being computed by scaling the number of bits encoding non-zero AC DCT coefficients in the corresponding block of the corresponding frame of the original-quality MPEG coded video by a scale factor for said each frame, the scale factor being selected to obtain a desired reduced bit rate in the MPEG coded video for said each frame (col. 6 lines 12-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok in view of US 6343098 to Boyce.

As to claim 3, Kwok discloses all elements except using moving average of frame size to computing the scale factor.

Boyce, in an analogous environment, use the moving average to update a scale factor for bit rate control (col. 7 lines 2-10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Boyce in the method of Kwok in order to obtain a scale factor to reach desired rate control as well as compression ratio so that the computational efficiency can be improved (col. 3 lines 1-63).

Allowable Subject Matter

Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-6, 8-10 depend from claim 4 are, therefore, objected.

Claims 11-17 are allowed.

Claims 18-21 are allowed.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner